



**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, October 5, 1999, 8:00 p.m.**

MEETING

The Regular Meeting of the City Council was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council Member Ward.

ROLL CALL

Present: COUNCIL MEMBERS Hilson,
Rodriquez, Ward, Dowling, Henson
MAYOR Cooper
Absent: COUNCIL MEMBER Jimenez

PRESENTATION: Business Recognition Award

The Business Recognition Award for the month of October was presented to Certicom Corporation, located at 25801 Industrial Boulevard. Certicom provides tool kits that facilitate secure electronic commerce for hand-held computer products, such as pagers, smart cards and cellular telephones. Some of Certicom's clients include Hewlett Packard, Lotus, Oracle, and Motorola. They sponsor cryptographic research programs at Waterloo University in Canada and Stanford University. Certicom moved to their new Hayward location in April 1999. Because Hayward is more centrally located, they relocated from San Mateo to shorten the commute for their employees who live throughout the Bay Area. The Hayward operation is Certicom's headquarters of sales and marketing and integration services. Overall, they have approximately 100 employees, with about fifty here in Hayward. The Award was presented to Certicom Corporation in recognition of their contribution to the vitality and economic wellbeing of our community, by locating their Worldwide Sales and Marketing Headquarters in Hayward. The Mayor presented Hayward's Business Recognition Award for October 1999, to a representative who accepted the award on behalf of Rick Dalmazzi, President.

PUBLIC COMMENTS

Jason Moreno, 25200 Carlos Bee Boulevard, listed, in percentages, the various locations of residences of Hayward Police Officers.

Francisco Abrantes, 22815 Alice Street, reiterated traffic and tax concerns.

William Blundin, 1089 D Street, described an incident that he experienced with a Hayward police officer.

Frank Goulart, 22248 Main Street, referred to a referendum circulating regarding the Home Depot project.

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CONSENT

Item 2 was removed for further discussion.

1. Approval of Minutes of the Meeting of the City Council of September 28, 1999.

It was moved by Council Member Hilson, seconded by Council Member Dowling, and carried with Council Member Jimenez absent, to approve the Minutes of the Special Joint Meeting of the City Council for September 28, 1999.

2. Hayward Airport Improvements: Authorization for Professional Services Agreement with P&D Consultants, Inc.

Staff report submitted by Deputy Director of Public Works, dated October 5, 1999, was filed.

J.V. McCarthy, 732 B Street #2, asked whether the City has received a response from the Alameda County Airport Land Use Commission review regarding the rezoning and development for the proposed Home Depot project. He also asked for a further explanation of how the funding for the airport land expansion will be used.

Deputy Director of Public Works Bauman noted that this item is a project that has previously been funded through a federal government grant. He did not see this item as relative to the proposed Home Depot project.

City Manager Armas explained that the City of Hayward is the governing body for the Hayward Airport. The Airport Land Use Commission (ALUC) does not have jurisdiction as it pertains to the Home Depot application. When the General Plan is updated it will be submitted to the Commission to determine how it guides land use in that area and whether it creates a risk or compromises for the aviation activities of the airport.

John Neath, 681 Longwood Avenue, discussed City Manager Armas' comments and the City's attempt to grandfather the 1985 determination. He said this is a new project and should be reviewed by the ALUC.

Council Member Ward asked for further information on the subcontracting.

Deputy Director of Public Works Bauman stated that staff has utilized the Cal Trans listing.

It was moved by Council Member Ward, seconded by Council Member Henson, and carried, with Council Member Jimenez, absent to adopt the following:

Resolution 99-159, "Resolution Authorizing the City Manager to Execute an Agreement between the City of Hayward and P&D

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Consultants, Inc. for Professional Services for the Hayward
Airport Improvement Project, Project Nos. 6810, 6811, 6812,
6817, 6818 and 6819"

3. Exchange of Property Taxes Related to Adjustment of Service Boundaries Between the City of Hayward and East Bay Municipal Utilities District

Staff report submitted by Deputy Director of Public Works for
Utilities Ameri, dated October 5, 1999, was filed.

It was moved by Council Member Hilson, seconded by Council Member Dowling, and carried with Council Member Jimenez absent to adopt the following:

Resolution 99-158, "Resolution Authorizing an Exchange of
Property Tax Revenues in Connection with Adjustment of Certain
Service Boundaries between the City of Hayward and the East Bay
Municipal Utilities District"

HEARINGS

4. Text Change Application 99-140-01 - Payday Loan Facilities and Amendments to the Design Guidelines Related to Single-Family Homes

Staff report submitted by Planning Manager Anderly, for October
5, 1999, was filed.

Planning Manager Anderly presented the staff report which included further modifications to the Design Guidelines as well as the introduction of an Ordinance requiring use permits relative to "Payday Loan Facilities."

Council Member Dowling questioned the design guideline recommendation that only 50% of the houses in a subdivision be required to have the suggested Design Guidelines, rather than all of the homes. Planning Manager Anderly explained that alternating buildings provides for more variety.

Council Member Hilson asked about use permit conditions for limiting payday loan operations. There was discussion relating to legislative bills that are being considered that may address some of the concerns Council has on the operations of payday facilities.

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Council Member Hilson also questioned the language in the Design Guidelines regarding the definition of the square footage, which includes the floor area of the stairwell. He then asked for further clarification of the level of the floor above the first floor, above the setback, and then asked about the enhancements of rear elevations and whether they would apply to all new homes.

Planning Manager Anderly indicated that these are guidelines over which the City will want some flexibility. She agreed that the rear and side guidelines do apply to all new home construction as opposed to subdivision. She suggested substituting the words "attractive streetscape" for "subdivision."

Council Member Ward also asked for the definition of payday loan facilities in determining whether a business would need a use permit. City Attorney O'Toole indicated that the facility would be considered a payday loan facility if 50 percent or more of their primary business is payday loans and check cashing. He said they are trying to address the impacts of the elements brought to the area from this activity.

Council Member Ward asked whether any floor area above the first floor will have to adhere to the Guidelines. He suggested Council clarify the wording to provide variety. He also suggested that future Guidelines might address multiple-family housing and address bulk and mass in these areas.

Council Member Rodriquez appreciated the need for guidelines to have flexibility. She was concerned with what is constructed and fits on the land around it.

Council Member Hilson suggested it defeats the purpose of guidelines not to require that all units have some enhancements rather than just those in subdivisions.

Mayor Cooper opened the public hearing at 8:55 p.m.

Frank Goulart, 22248 Main Street, congratulated Council and staff for improving the Design Guidelines. He then encouraged Council Member Hilson to provide a friendly amendment that would apply the guidelines to all new in-fill homes and add single-family streetscape considerations as well. He suggested guidelines be added to ensure privacy in future developments.

Mayor Cooper closed the public hearing at 8:58 p.m.

Council Member Henson commented that payday loan operations are unregulated in general, but Hayward is taking a lead to regulate these businesses. He cited certain bills from Legislators Corbett and Perata, now under consideration in Sacramento. He then moved, seconded by Council Member Dowling, to introduce the ordinance relative to "Payday Loans" and adopt the resolution amending the Design Guidelines relative to the roof lines of two-story homes and façade improvements to side and rear elevations of all homes.

Council Member Hilson suggested tightening of the language on the Design Guidelines to change



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the word "subdivision" to streetscape and that the two items listed under, "In addition,..." apply to all new houses as well.

Council Member Ward asked that the motion include, "Direct staff to come back with further guidelines with respect to multiple family buildings."

Council Members Henson and Dowling accepted these friendly amendments.

Council Member Dowling amended the motion, accepted by Council Member Henson, that the word "second" be omitted and leave "Stories...should be smaller in area." He then suggested that in the description of the second floor area, the word "not" be deleted from the calculation of the square footage inclusion of the stairwells.

It was moved by Council Member Henson, seconded by Council Member Dowling, and carried with Council Member Jimenez absent, to introduce and approve the following with the above-noted friendly amendments to the motion.

Ordinance 99-__, "An Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code Relating to Payday Loan Facilities"

Resolution 99-160, "Resolution Amending the Hayward Design Guidelines"

5. Appeal of Planning Commission's Action Approving Use Permit Application No. 99-160-07 - Mr. & Mrs. Ivo Ascani (Applicants/Owners), Mr. & Mrs. D. L. Kolm (Appellants) (*Request to Continue to 10/12/99*)

Staff report submitted by City Manager Armas, for October 5, 1999, was filed.

Yvette Ascani spoke on behalf of the applicant/owners and strongly objected to the continuance. Although the operators of the group home indicated an inconvenience to having to return on October 12, they said they would return.

It was moved by Council Member Hilson, seconded by Council Member Dowling, and carried with Council Member Jimenez absent, to continue the hearing until October 12, 1999.

LEGISLATIVE BUSINESS

6. Review of Population, Housing, and Employment Forecast Developed by ABAG as Part of Projections 2000

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Staff report submitted by Senior Planner Calame, for October 5, 1999, was filed.

Senior Planner Calame presented the draft ABAG projections for the population, housing and employment forecast for the Hayward area, and responded to Council questions. He indicated that staff would be suggesting slight modifications in the projections to reflect known baseline data. He noted that Projections 2000 would influence the next round of the regional housing needs determination. These numbers are targets to be addressed in the housing needs element. They are the basic components of the determination for the 2000-2005 housing element assessment.

Council Member Ward made comments regarding the ABAG projections. He added that it is important that ABAG understands the reality of affordable housing for most communities in the Bay Area. He then mentioned the fact that more businesses are moving into the City and will continue to do so in the near future because of the affordability of land in this area.

Council Member Ward encouraged Council and staff to take more of a regional attitude toward the problems confronting all of the municipalities in this area.

This was an informational report. No action was taken.

COUNCIL REPORTS

There were no Council reports.

ADJOURNMENT

Mayor Cooper adjourned the meeting at 9:24 p.m.

APPROVED:

Roberta Cooper, Mayor, City of Hayward

ATTEST:

Angelina Reyes, City Clerk, City of Hayward